

STATINTL

MEMORANDUM FOR: Whom it may concern:

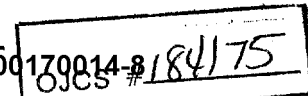
I talked to [] of the OGC on this and he said that a task force to address this issue would be formed in a few months, and that nothing would be done on it here until that time. Also, it will be the advice of the GC to the DCI^{to} implement only a few of the provisions of the Act (unlike FOIA, the DCI can elect to implement only some of the provisions).

XO

3 FEB 75
(DATE)

FORM NO. 101 REPLACES FORM 10-101
1 AUG 54 WHICH MAY BE USED.

(47)



OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DATE: January 24, 1975

REPLY TO
ATTN OF:

ISD

SUBJECT:

The Privacy Act of 1974 (P.L. 93-579)

EXO	<u>92</u>
DD/OJCS	<u>—</u>
D/OJCS	<u>—</u>

- Agency ADP Managers
Interagency Committee on ADP
Interagency Telecommunications Committee
Ad Hoc Committee for P.L. 89-306
Federal ADP Councils

Attached for your information is a copy of preliminary guidance on implementing the Privacy Act sent to agency heads on January 13, 1974. We will keep you posted as further policy guidance is developed.

Walter W. Haase

Walter W. Haase
Deputy Associate Director
for Information Systems

Attachment



EXECUTIVE OFFICE OF THE PRESIDENT

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WASHINGTON, D.C. 20503

January 13, 1975

MEMORANDUM TO THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Information on P.L. 93-579, the Privacy Act of 1974

This memorandum is intended to provide information and preliminary guidance on the implementation of P.L. 93-579, the Privacy Act of 1974 which was signed by the President on December 31, 1974.

While most of the operative provisions of the bill are not effective until 270 days after enactment, timely compliance will require early action by all executive agencies.

Following are some of the key provisions of the Act:

1. Agencies which maintain systems of records, as defined in the Act, will be required to:

a. Publish, at least annually, a public notice describing its systems of records including such "routine use" of the information in those systems.

b. Devise and publish procedures whereby an individual can learn whether a system contains a record pertaining to him or her, can gain access to such records, and can contest the accuracy of information in them.

c. Establish procedures for reviewing disputes as to the accuracy of an individual's records.

d. Control access to systems of records and refrain from disclosing personal data except as provided for in the Act and maintain an accounting of certain disclosures.

2. While the Act permits exemptions from some of its operative provisions, it requires the agency head to promulgate rules specifying which systems are to be exempted from the provisions of the law and why.

3. The Act limits the sale or rental of individual names and addresses and places certain restrictions on requiring individuals to disclose their social security numbers.

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4. Criminal sanctions and civil remedies are provided for certain violations of the Act.

5. A Commission is established to study the need for further restrictions, through legislation and otherwise, on governmental and private sector information practices.

While certain oversight responsibilities have been assigned to the Office of Management and Budget (OMB) under the Act, effective implementation will depend on agency action. Guidelines and regulations will be drafted by OMB and circulated for comment shortly. In the interim, however, agency staffs are encouraged to become familiar with the provisions of the Act and the legislative history. In addition to the Act and the reports of the congressional committees on each chamber's version of the bill (Senate Report 93-1183 and House Report 93-1416), the compromise language is discussed on pages S21815 through S21819 of the Congressional Record of December 17, 1974. In advance of the receipt of formal guidance, agencies may also wish to:

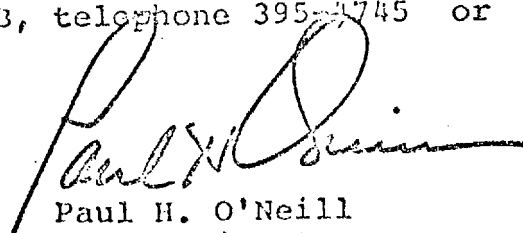
1. Identify systems of records which they maintain which will be subject to the Act. A listing of systems identified through earlier requests by OMB will be circulated shortly. Agencies will be requested to update that list and provide that information to OMB.

2. Determine the extent to which procedures already exist which meet the requirements of the statute for access, accounting, etc.

3. Consider the applicability, if any, of the exemptions provisions of the bill. Please note that determinations to exempt are subject to specified provisions of 5 U.S.C. 553.

4. Begin to define the routine uses of each system of records. It should be noted that any changes in the routine uses portion of the public notice (5 U.S.C. 552a(e)(4)(D)) is required to be published for public comment 30 days before the public notice.

Questions or suggestions may be directed to the Information Systems Division, OMB, telephone 395-4745 or 395-4814, IDS code 103.



Paul H. O'Neill
Deputy Director

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